

E-Filed 6/27/2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

BERNABE MORA,

Plaintiff,

v.

WACHOVIA MORTGAGE FSB, et al.,

Defendants.

Case Number 5:10-cv-05951-JF (HRL)

ORDER DISMISSING ACTION SUA
SPONTE FOR LACK OF SUBJECT
MATTER JURISDICTION

On December 29, 2010, Plaintiff filed an untitled document that apparently was intended to “remove” to this Court a state court action that had been pending in the Monterey County Superior Court. At a case management conference on June 10, 2011, Plaintiff stated that he was proceeding in this Court because he did not like the manner in which the state court was conducting the litigation.

The right to remove an action from state court to federal district court is vested exclusively in “the defendant or the defendants.” 28 U.S.C. § 1441(a); *see also Southland Corp. v. Etridge*, 456 F. Supp. 1296, 1301 (C.D. Cal. 1978) (plaintiff may not remove its own action to federal court). Because there is no statutory authority for Plaintiff’s purported removal and no federal claim is asserted, this Court lacks subject matter jurisdiction.

1 Moreover, the essence of Plaintiff's claim is a request that this Court "review" the
2 rulings of the state courts. It is well settled that federal district courts do not have jurisdiction to
3 review state court rulings. *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482
4 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923).

5 Accordingly, this action is hereby DISMISSED WITH PREJUDICE for lack of subject
6 matter jurisdiction.

7 IT IS SO ORDERED.

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9 DATED: 6/23/2011

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JEREMY FOGEL
United States District Judge

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee of the Office of the Clerk, United States District Court, Northern District of California.

On Monday, June 27, 2011, I served a true and correct copy of the attached document on each of the persons hereinafter listed by placing said copy in a postage paid envelope and depositing said envelope in the United States mail, or by placing said envelope in the outgoing mail delivery receptacle located in the Clerk's Office:

Bernabe Mora
11035 Del Monte Avenue
#18
Castroville, CA 95012

DATED: 6/27/2011

For the Court
Richard W. Weiking, Clerk

By: _____/s/
Diana Munz
Courtroom Deputy Clerk